

Authorised Version

Residential Tenancies (Rooming House Standards) Regulations 2012 S.R. No. 17/2012

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Authorised Version

STATUTORY RULES 2012

S.R. No. 17/2012

Residential Tenancies Act 1997

**Residential Tenancies (Rooming House Standards)
Regulations 2012**

The Governor in Council makes the following Regulations:

Dated: 28 February 2012

Responsible Minister:

WENDY LOVELL
Minister for Housing

MATTHEW McBEATH
Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to prescribe—

- (a) privacy, safety, security and amenity standards with which a rooming house owner must comply in relation to all or any combination of the following—
 - (i) rooming houses;
 - (ii) rooms in a rooming house;
 - (iii) rooming house facilities and services;
 - (iv) common areas of rooming houses;
 - (v) the general amenity of rooming houses;and

(b) other matters in relation to the regulation of rooming house standards.

2 Authorising provisions

These Regulations are made under sections 142C and 511 of the **Residential Tenancies Act 1997**.

3 Commencement

These Regulations come into operation on 31 March 2012.

4 Definitions

In these Regulations—

BCA means the Building Code of Australia;

BCA Volume One means Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume;

BCA Volume Two means Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume;

Building Code of Australia has the same meaning as in section 3(1) of the **Building Act 1993**;

habitable room has the same meaning as in the BCA;

National Construction Code Series has the same meaning as in section 3(1) of the **Building Act 1993**;

the Act means the **Residential Tenancies Act 1997**.

PART 2—STANDARDS

Division 1—Rooms in a rooming house

5 Prescribed standards for rooms in a rooming house

- (1) For the purposes of section 142B(1) of the Act, the prescribed privacy, safety, security and amenity standards in relation to a resident's room in a rooming house are the standards set out in this Division.
- (2) The standards set out in this Division apply in relation to a room in a rooming house on and from 31 March 2013.

6 Door to resident's room

The prescribed standards in relation to a door used for entry to and exit from a room provided to a resident of a rooming house are that the door is fitted with a locking device that—

- (a) is operated by a key from the outside; and
- (b) can be unlocked from the inside without a key.

7 Power outlets in resident's room

The prescribed standards in relation to power outlets in a room provided to a resident in a rooming house are that—

- (a) the room must have at least 2 electrical power outlets; and
- (b) the power outlets are in working order.

8 Windows in a resident's room

The prescribed standards in relation to a window in a room provided to a resident in a rooming house are that the window is fitted with a window covering that—

- (a) can be opened or closed by the resident; and
- (b) affords privacy to the resident.

Division 2—Facilities and Services

9 Prescribed standards for facilities and services provided to residents in a rooming house

- (1) For the purposes of section 142B(2) of the Act, the prescribed privacy, safety, security and amenity standards in relation to facilities and services available to a resident of a rooming house are the standards set out in this Division.
- (2) The standards set out in this Division apply in relation to a facility or service in a rooming house on and from 31 March 2013.

10 Bathroom facilities

The prescribed standard in relation to a door to a shared toilet or bathroom facility is that it is fitted with a privacy latch which can be securely latched from the inside without the use of a key.

11 Kitchen and food preparation facilities

The prescribed standards in relation to the kitchen and food preparation facilities of a rooming house are that the following amenities are provided—

- (a) a food preparation area—
 - (i) in each resident's room; or
 - (ii) in a common area; and

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- (b) a sink—
- (i) in each resident's room; or
 - (ii) in a common area; and
- (c) an oven that is in good working order—
- (i) in each resident's room; or
 - (ii) in a common area, for every 12 or fewer residents of the rooming house who do not have an oven in their room, based on the maximum number of residents that the rooming house can accommodate; and
- (d) a cook top that is in good working order—
- (i) in each resident's room; or
 - (ii) with four burners, in a common area, for every 12 or fewer residents of the rooming house who do not have a cook top in their room, based on the maximum number of residents that the rooming house can accommodate; and
- (e) a refrigerator that is in good working order—
- (i) with a minimum gross capacity of 80 litres, in each resident's room; or
 - (ii) with a minimum gross capacity of 400 litres, in a common area; and
- (f) not less than one cupboard for each resident, based on the maximum number of residents that the rooming house can accommodate—
- (i) with a minimum storage space of 0·10 cubic metres; and
 - (ii) that is lockable, if provided in a common area.

12 Dining facilities

The prescribed standards in relation to dining facilities in a rooming house are that the following amenities are provided in a common area—

- (a) a number of chairs equal to the maximum number of residents that can be accommodated in a resident's room in the rooming house; and
- (b) a table that can comfortably accommodate the number of chairs referred to in paragraph (a).

13 Laundry facilities

The prescribed standards in relation to the laundry facilities in a rooming house are that the rooming house owner provides—

- (a) a communal laundry wash trough or basin plumbed to a continuous and adequate supply of hot and cold water; and
- (b) immediately next to the laundry wash trough or basin, a designated space with hot and cold water supply outlets suitable for a washing machine; and
- (c) a clothes line or other clothes drying facility.

Division 3—Rooming Houses

14 Prescribed standards for rooming houses generally

- (1) For the purposes of section 142B of the Act, the prescribed privacy, safety, security and amenity standards in relation to the rooms, facilities and services and common areas of a rooming house are set out in this Division.
- (2) The standards set out in this Division apply in relation to a rooming house on and from 31 March 2013.

15 Emergency plans and procedures

The prescribed standards in relation to the emergency plans and procedures of a rooming house are that—

- (a) the rooming house owner must prepare an evacuation diagram for the rooming house in accordance with section 3.5 and Appendix E of AS 3745 Planning for emergencies in facilities, as published from time to time; and
- (b) the evacuation diagram is prominently displayed in each resident's room and in all common areas.

16 Electrical requirements

The prescribed standards in relation to the electrical requirements of a rooming house are that all power outlets and lighting circuits of or in a rooming house are connected to—

- (a) a switchboard type Circuit Breaker that complies with AS/NZS 3000 Electrical installations, as published from time to time; and
- (b) a switchboard type Residual Current Device that complies with—
 - (i) AS/NZS 3190 Approval and test specification—Residual current devices (current-operated earth-leakage devices), as published from time to time; or
 - (ii) AS/NZS 61008.1 Residual current operated circuit-breakers without integral overcurrent protection for household and similar uses (RCCBs): Part 1: General rules, as published from time to time; or

- (iii) AS/NZS 61009.1 Residual current operated circuit-breakers with integral overcurrent protection for household and similar uses (RCBOs) Part 1: General rules, as published from time to time.

17 Ventilation

The prescribed standards in relation to the ventilation requirements of a rooming house are that—

- (a) if the rooming house is a class 1b building within the meaning of the BCA, each habitable room, bathroom, shower room, toilet and laundry has ventilation satisfying Performance Requirement P 2.4.5 of the BCA Volume 2 or the Acceptable Construction Practice set out in Part 3.8.5 of the BCA Volume Two;
- (b) if the rooming house is a class 3 building within the meaning of the BCA, each habitable room, bathroom, shower room, toilet and laundry has ventilation satisfying Performance Requirements FP 4.3, FP 4.4 and FP 4.5 of the BCA Volume One or the Deemed-to-Satisfy Provisions requirements in F4.5 of the BCA Volume One.

18 Lighting

The prescribed standards in relation to lighting in or of a rooming house are that—

- (a) the internal rooms, corridors and hallways of a rooming house have access to light, either natural or artificial, which provides a level of illuminance appropriate to the function or use of those rooms; and

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- (b) a habitable room has access to—
- (i) natural light, including by borrowed light from an adjoining room, during daylight hours which provides a level of illuminance appropriate to the function or use of the room; and
 - (ii) artificial light during non-daylight hours which provides a level of illuminance appropriate to the function or use of the room.

19 Gas safety checks

The prescribed standard in relation to gas safety of a rooming house is that a gas safety check must be conducted at least once every 2 years by a licensed gasfitter of all gas installations and fittings at the rooming house.

20 Electrical safety checks

The prescribed standard in relation to electrical safety of a rooming house is that an electrical safety check must be conducted at least once every 5 years by a licensed electrician of all electrical installations and fittings at the rooming house.

21 External windows

The prescribed standard in relation to external windows of a rooming house is that each external window of the rooming house that is able to be opened is able to be securely fixed in a closed or open position without a key.

22 Entrances

The prescribed standards in relation to entrances to a rooming house are that—

- (a) each entrance to the rooming house is fitted with a locking device that is operated by a key from the outside and that can be unlocked from the inside without a key; and
 - (b) the main point of entry to the rooming house has—
 - (i) a window, peephole, or intercom system; and
 - (ii) external artificial lighting during non-daylight hours which provides a level of illuminance appropriate to allow safe access to the rooming house and to screen visitors to the rooming house.
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PART 3—GENERAL

Division 1—Records

23 Requirement to keep record of gas safety check

- (1) A rooming house owner must retain a record of a gas safety check conducted in accordance with regulation 19 for a period of 2 years after the date that the gas safety check was conducted.
- (2) A record under subregulation (1) must include the details of the licensed gasfitter who conducted the gas safety check.

24 Requirement to keep record of electrical safety check

- (1) A rooming house owner must retain a record of an electrical safety check conducted in accordance with regulation 20 for a period of 5 years after the date that the electrical safety check was conducted.
- (2) A record under subregulation (1) must include the details of the licensed electrician who conducted the electrical safety check.

25 Production of records

A rooming house owner must ensure that records required to be kept under this Part are made available for inspection by the Director if the Director conducts an investigation for the purposes of section 131A of the Act.

Division 2—Exemptions

26 Director may grant exemption

- (1) The Director may exempt a rooming house owner from the obligation to comply with any of the standards set out in these regulations other than regulations 6, 7, 10, 15, 16, 19 and 20.
- (2) Any exemption granted under subregulation (1) in respect of any standard may be—
 - (a) unconditional or on specified conditions; and
 - (b) either—
 - (i) a total exemption; or
 - (ii) an exemption limited to the extent specified by the Director including a limitation as to time.

27 Application for exemption

- (1) The Director may grant an exemption under regulation 26 on an application being made by a rooming house owner.
- (2) An application under subregulation (1) must be in writing in the form approved by the Director.

28 Grounds upon which an exemption may be granted

- (1) The Director must not grant an exemption under regulation 26 unless the Director is satisfied that—
 - (a) due to the nature, age or structure of the rooming house, the rooming house owner is not able to modify the rooming house to comply with the relevant standards; or
 - (b) due to the obligation of a rooming house owner to comply with a competing law, the rooming house owner cannot comply with the relevant standards; or

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- (c) the rooming house owner has sufficiently addressed the relevant standards by alternative means.
- (2) The Director must not grant an exemption under regulation 26 if the Director considers that granting an exemption poses an immediate threat to the safety of residents.

29 Notice of decision

- (1) After considering an application made by a rooming house owner under regulation 27, the Director must notify the rooming house owner of the outcome of that application.
- (2) If the Director grants an exemption under regulation 26, the notice under subregulation (1) must include details of—
- (a) the rooming house standards from which the rooming house owner has been exempted; and
 - (b) whether the exemption granted is unconditional or on specified conditions; and
 - (c) whether the exemption granted is a total exemption or a limited exemption and if limited, the respects in which it is limited.

30 Notice of exemptions to be published

Any exemptions granted by the Director under regulation 26 must be published in the Government Gazette as soon as practicable after the granting of the exemption and must provide details of the rooming house owner, the rooming house to which the exemption applies, the exemption granted and the date from which the exemption applies.

ENDNOTES

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

BCA Volume One means Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and

BCA Volume Two means Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 15(a)	Australian Standard AS 3745-2010 "Planning for emergencies in facilities" as published by Standards Australia on 25 November 2010.	Section 3.5 and Appendix E
Regulation 16(a)	Australian/New Zealand Standard 3000:2007 (incorporating Amendment No. 1) "Electrical installations (known as the Australian/New Zealand Wiring Rules)" as published by Standards Australia and Standards New Zealand on 30 July 2009.	Clause 1.4.26 and clause 2.4.3

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 16(b)(i)	Australian/New Zealand Standard 3190:2011 "Approval and test specification - Residual current devices (current-operated earth-leakage devices)" as published by Standards Australia and Standards New Zealand on 21 November 2011.	The whole
Regulation 16(b)(ii)	Australian/New Zealand Standard 61008.1:2011 "Residual current operated circuit-breakers without integral overcurrent protection for household and similar uses (RCCBs) Part 1: General rules" as published by Standards Australia and Standards New Zealand on 5 October 2011.	The whole
Regulation 16(b)(iii)	Australian/New Zealand Standard 61009.1:2011 (incorporating Amendment No. 1) "Residual current operated circuit-breakers with integral overcurrent protection for household and similar uses (RCBOs) Part 1: General rules" as published by Standards Australia and Standards New Zealand on 5 October 2011.	The whole

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 17(a)	BCA Volume Two.	Performance Requirement P 2.4.5 and Acceptable Construction Practice Part 3.8.5 Ventilation
Regulation 17(b)	BCA Volume One.	Performance Requirements FP 4.3, FP 4.4 and FP 4.5 and Deemed-to-Satisfy Provisions requirements F4.5 Ventilation.